

ORDINANCE NO. 04-1004

AN ORDINANCE of the City Council of the City of SeaTac, Washington, relating to the Zoning Code; making amendments and additions to the code regarding mobile refueling operations and amending Section 15.12.060 and adding new Sections 15.10.404 and 15.13.102.

WHEREAS, the Growth Management Act requires regular review and update of development regulations which implement the City's Comprehensive Plan; and

WHEREAS, regular review and update of the Zoning Code ensures that development regulations are responsive to the needs of the City; and

WHEREAS, in reviewing the Zoning Code, certain development regulations have been identified as requiring definition, clarity, amendment or addition; and

WHEREAS, the Planning Commission has reviewed the aforesaid changes to development regulations, has held a public hearing for the purpose of soliciting public comment in regard to Zoning Code changes, and has recommended the amendments and additions for adoption by the Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON DO ORDAIN as follows:

Section 1. Section 15.12.060 of the SeaTac Municipal Code is hereby amended to read as follows:

15.12.060 Retail/Commercial Uses

ZONES:	UH – Urban High Density	O/CM – Office/Commercial Medium
P – Park	NB – Neighborhood Business	BP – Business Park
MHP – Mobile Home Park	CB – Community Business	O/C/MU – Office/Commercial/Mixed Use
UL – Urban Low Density	ABC – Aviation Business Center	T – Townhouse
UM – Urban Medium Density	I – Industrial/Manufacturing	

P – Permitted Use; C – Conditional Use Permit

USE #	LAND USE	ZONES												
		P	MH P	UL	UM	UH	NB	CB	ABC	I	O/CM	BP	O/C/ MU	T
RETAIL/COMMERCIAL USES														
101	Hotel/Motel and Associated Uses					C*	P	P*	P*		P*	C*	C*	
102	Forest Products						P(3)	P*(3)		C(1)	P*(6)			
103	Hardware/Garden Material						P	P*			P*(6)		P*(9)	P*(9)
104	Department/Variety Store						P	P*	P*(2)		P*(6)		P*(9)	P*(9)
105	Food Store					P*(8)	P	P*	P*(2)		P*(6)		P*(9)	P*(9)
106	Agricultural Crop Sales (Farm Only)			P				P*						
107	Auto/Boat Dealer							P*		P	C*(6)			
108	Auto Supply Store						P	P*		P	C*(6)		C*(9)	
109	Gasoline/Service Station						P	P*		P				
109.1	Mobile Refueling Operation	P(10)	P(10)	P(10)	P(10)	P(10)	P(10)	P(11)	P(11)	P(11)	P(10)	P(11)	P(10)	P(10)
110	Apparel/Accessory Store							P*	P*(2)		P*		P(9)	
111	Furniture Store							P*			P*		P(9)	
112	Fast Food/Restaurant					C*(2,4)		P*	P*	P	P*(6)	P*(2)	P*(4,9)	P*(4,9)
112.1	Retail Food Shop					P*(8)	P	P*	P*		P*	P*(2)	P*(9)	
112.2	Tavern						P(8)	P*			P*		C*	P*(9)
113	Drug Store						P	P*	P*		P*(6)	P*(2)	P*(9)	P*(9)
114	Liquor Store							P*			P*		C*	
115	Antique/Secondhand Store						P	P*			P*(6)		P*(9)	P*(9)
116	Sporting Goods and Related Stores							P*	P*(2)		P*(6)		P*(9)	P*(9)
117	Media Material					P*(7)	P	P*	P*(2)		P*		P*(9)	
118	Jewelry Store						P	P*	P*(2)		P*(6)		P*(9)	P*(9)
119	Hobby/Toy Store						P	P*	P*(2)		P*(6)		P*(9)	P*(9)
120	Photographic and Electronic Store						P	P*	P*(2)		P*(6)		P*(9)	P*(9)
121	Fabric Store							P*	P*(2)		P*(6)		P*(9)	P*(9)
122	Florist Shop					P*(7)	P	P*	P*(2)		P*(6)		P*(9)	P*(9)
123	Pet Store							P*	P*(2)		P*(6)		P*(9)	P*(9)
124	Wholesale/Bulk Store							C*	C*	P	C*(6)		P*(9)	
125	Beauty Salon					C*(8)	P	P*	P*		C*(6)		P*(9)	P*(9)
125.1	Laundromat				P*(7)	P	P*			P*		P*(9)		
125.2	Espresso Stand					P*(2)	P	P*	P*	P	P*	P*	P*(9)	P*
125.3	Comm. Marine Supply						C	P*		P		P*		
126	Other Retail Uses						C	P*	C*		P*		C	P*(9)
127	Adult Entertainment							C*(5)	C*(5)	C(5)				

(*) See Chapters 15.13 and 15.35 SMC for additional development standards.

- (1) Forest product related businesses shall provide the following:
 - a. Minimum of ten (10) acres;
 - b. Access to major arterial; and
 - c. Minimum thirty (30) foot buffers around the perimeter of property (Type II landscaping).
- (2) Accessory to primary use not to exceed twenty percent (20%) of primary use.
- (3) Temporary forest product sales related to holidays. Merchandise limited to Christmas trees, wreaths, herbs and associated decorations.
- (4) No fast food restaurants or drive-through facilities allowed.
- (5) See SMC 15.29.010.
- (6) Permitted as part of a mixed use development.
- (7) Small, resident-oriented uses only, as part of a residential mixed use project.
- (8) Small, resident-oriented uses only.
- (9) Permitted as part of a mixed use development, as described in SMC 15.35.610
- (10) Permitted only to refuel heavy equipment at a construction site, subject to the criteria under 15.13.103.
- (11) Subject to the criteria under 15.13.102

Section 2. A new Section 15.10.404 is hereby added to the SeaTac Municipal Code, to read as follows:

15.10.404 Mobile Refueling Operation

An operation where a tank delivery vehicle, containing an approved combustible liquids dispensing storage tank with a maximum capacity of 2,500 gallons, is used to refuel commercial and construction vehicles with diesel engines for a site that does not include a stationary vehicle refueling station or facility. Mobile refueling operations do not include the mobile refueling of vehicles with gasoline or other alternate fuel powered engines.

Section 3. A new Section 15.13.102 is hereby added to the SeaTac Municipal Code, to read as follows:

15.13.102 Mobile Refueling Operations in Commercial/Industrial Zones – Criteria for Operations

Mobile refueling operations shall conform with the following requirements:

- A. The owner of the onsite mobile refueling operation shall obtain and maintain a valid City of SeaTac Business license
- B. An annual Fire Department Fuel Dispensing Permit shall be obtained from the SeaTac Fire Department, Fire Prevention Bureau. A Site inspection may be conducted at any time to verify compliance with Fire Department Permit conditions and provisions.

- C. Spill containment kits shall be located on-site and each fuel dispensing vehicle shall have a spill kit that is capable of providing catch basin covers for all catch basins within the site of the refueling operation, absorbent pigs, petroleum diapers, and a disposal container. Spill kit contents shall be approved by the SeaTac Fire Department Fire Prevention Bureau.
- D. An approved Emergency Response Plan shall be developed for each refueling site. Such Emergency Response Plan shall be immediately available to the driver/operator of the dispensing vehicle. The driver/operators of the dispensing vehicles shall be properly trained in the site specific emergency response plan for each site within the city. The Emergency response plan shall be activated by the driver/operator of the dispensing vehicle anytime there is a spill of any measurable quantity of combustible liquid. Failure to activate the emergency response plan shall be a citable violation of the Fire Code. The emergency response plan shall be a step by step detailed plan as to what the driver/operator should do if there is a spill, leak, fire or other emergency at a mobile refueling site.
- E. Only approved tank vehicles and dispensing equipment shall be used.
- F. The driving or moving of a fuel dispensing tank vehicle while the dispensing hose is deployed to a motor vehicle or while dispensing motor fuel shall not be allowed and will be cause for immediate revocation of the site refueling privilege and any Permits and or licenses.
- G. The project site or property, on which the fueling operation is to occur, shall comply with City requirements for water quality and spill control for high use sites.
- H. The hours of operations shall be limited to 7:00 p.m. to 7:00 a.m. daily. Other hours of operation may be approved by the City Manager or designee upon documentation by the applicant that different hours of operation are necessary due to special circumstances on the property.

Section 4. A new Section 15.13.103 is hereby added to the SeaTac Municipal Code, to read as follows:

15.13. 103 Mobile Refueling Operations in Residential Zones/Park and O/C/MU Zones – Criteria for Operations

Mobile refueling shall conform with the following requirements:

- A. A Fire Department Fuel Dispensing Permit shall be obtained from the SeaTac Fire Department, Fire Prevention Bureau.
- B. Spill containment kits shall be located on each fuel dispensing vehicle and shall have a spill kit that is capable of providing catch basin covers for all catch basins within the site of the refueling operation, absorbent pigs, petroleum diapers, and a disposal container. Spill kit contents shall be approved by the SeaTac Fire Department Fire Prevention Bureau.
- C. Only approved tank vehicles and dispensing equipment shall be used.
- D. The driving or moving of a fuel dispensing tank vehicle while the dispensing hose is deployed to a motor vehicle or while dispensing motor fuel shall not be allowed and will be cause for immediate revocation of the site refueling privilege and any Permits and or licenses.
- E. The hours of refueling shall be between 7:00 a.m. and 6:00 p.m..
- F. No refueling shall be allowed within 100 feet of a wetland or creek. Refueling within 100 feet of a wetland or creek may be approved by the Directors of Planning and Community Development and Public Works provided that a plan is submitted and approved showing that any fuel that may be spilled cannot reach a wetland or creek. Refueling shall be subject to an approved Emergency Response Plan. Such Emergency Response Plan shall be immediately available to the driver/operator of the dispensing vehicle.

Section 5. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor by March 2004.

Section 6. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 24th day of February, 2004, and signed in authentication thereof on this 24th day of February, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo , City Attorney

[Effective Date_____]

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